<u>REMARKS/ARGUMENTS</u>

This Amendment is in response to the Office Action mailed 7/18/2007. Claims 1-6, 13, and 16-19 are pending in this application. This Amendment amends claims 1 and 13. Reconsideration of the rejected claims is respectfully requested.

<u>Applicant-Initiated Interview</u>

Applicants thank the Examiner for granting an interview on November 21, 2007, where arguments were discussed generally. Moreover, with regard to the claim language "generating a second HTML based request…including the times of generation, arrival times, departure times, and time of display for the first HTML based request and HTML based response," the Examiner stated that the claim language did not specify that the times of generation and arrive/departure times were actually those of the first HTML based request. Examiner suggested that appropriate amendments to the claims should be made. Also, the "storing" feature of claim 1 was also discussed. Examiner further stated that the times of generation and arrive/departure times did not specify that these features are of the first HTML based request being stored in the request-response cycle of the second html based request.

<u>35 U.S.C. §103 Rejection, Barrick in view of Chen and in further view of Dutta</u>

Claims 1, 5, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrick Jr. et al. (US. Patent Number 6625647) in view of Chen et al. (U.S. Patent Number 5793976) and further in view of Dutta et al.(U.S. Patent Application Publication Number 2002/0161794).

Claim 1 is allowable as Barrick, Chen, and Dutta either alone or in any combination, do not teach or suggest each and every element of amended claim 1. For example, claim 1 recites in part:

> A method for assembling timing data for each layer in a multi-layer server environment, comprising:
>
> generating a <u>second HTML based request</u>, the second HTML based request including the times of generation of the first HTML based request and the HTML based response, the arrival times of the first HTML based request and the HTML based response, the departure times of the first HTML based request and the HTML based response, the time of display for the first HTML based request, and the time of

display for the HTML based response in one or more hidden data fields associated with the second HTML based request; and

storing the times of generation of the first HTML based request and the HTML based response, the arrival times of the first HTML based request and the HTML based response, the departure times of the first HTML based request and the HTML based response, the time of display for the first HTML based request, and the time of display for the HTML based response from the hidden data fields in the HTML based response in a database within a request-response cycle corresponding to the second HTML based request. (emphasis added)

Barrick describes that when one of the user machines sends an HTTP GET request to Web server 104, Web server 104 responds to the request by sending an HTML page that contains a browser agent once the HTML page containing a browser agent is downloaded into a Web browser running on a user machine that supports JavaScript and HTML frames. (Barrick, col. 4, lines 58-63). The office action states that Barrik does not disclose the limitations of arrival times, departure times, time of display, and time of generation of the HTML based request. (Office Action, pgs. 7-8). Chen is cited for teaching these features.

Chen teaches that various delay measurements of nodes. Chen describes that "the Delay-stamp field 10 initially contains a delay T0 from previous intermediate nodes. At node1 16, the time the cell of FIG. 1 enters the node 16 is recorded in the Timestamp field 9. This field is then compared to the time the cell leaves the node and the Delay-stamp field 10 is incremented by the difference, TI. At node2 18, a new time in is recorded in the Timestamp field 9, corresponding to the time the cell has entered the node 18. This field is again compared to the time the cell exits the node 18 and the difference, T2 is used to increment the value in the Delaystamp field 10. A similar procedure is followed at node3 20, and so on, until the endpoint of the virtual connection is reached." (Chen, col. 8, lines 22-33).

The office action asserts that the combination of Barrick and Chen can "repeat the whole process and generate a second HTML based request which would include times of generation, arrival times, departure times, and the time of display for the previously generated HTML request. Running software processes repeatedly in a loop is well known in the art." (Office Action, p. 12).

The combination of Barrick, Chen, Dutta, and the process of repeating in a loop does not teach "the second HTML based request including the times of generation of the first HTML based request and the HTML based response, the arrival times of the first HTML based

request and the HTML based response, the departure times of the first HTML based request and

the HTML based response, the time of display for the first HTML based request, and the time of

display for the HTML based response in one or more hidden data fields associated with the

second HTML based request," as recited in claim 1. Barrick teaches that an HTTP GET request

may be sent to a web server including a download time interval (Delta time) which is encoded in

the HTTP GET request header. The HTTP GET request with the delta time is then sent to a

relay server. (Barrick, col. 7, lines 58-63). Repeating this process of Barrick produces another

HTTP GET request with its own delta time. That is, the new HTTP GET request will include

only the download time interval of the new HTTP GET request. Thus, the second HTTP GET

request will only include the time it took to receive the second URL that was recited in the

second HTTP GET request. There is no teaching or suggestion that the new HTTP GET request

would also include the download time interval of the first (previous) HTPP GET request.

Chen does not make up for these deficiencies in Barrick with respect to claim 1.

Chen teaches that a management packet has a delay stamp filed and a time stamp filed. (Chen,

col. 8, lines 22-25). When the management packet moves from node 1 to node 2, the delay

stamp field includes only the running cumulative delay from all previous nodes. At most, Chen

shows that the delay stamp field includes the delay from the previous node (where the previous

node is the first node in the chain of nodes). There is no suggestion or motivation of the

management packet keeping track of "times of generation of the first HTML based request and

the HTML based response, the arrival times of the first HTML based request and the HTML

based response, the departure times of the first HTML based request and the HTML based

response, the time of display for the first HTML based request, and the time of display for the

HTML based response in one or more hidden data fields associated with the second HTML

based request," as recited in claim 1.

Moreover, Dutta does not make up for these deficiencies in Barrick and Chen

with respect to claim 1. The office action cites to Dutta, which states that "the browser maintains

a list of all of the screen images that have been captured within a configurable duration of time,

and the time that the screen image was captured," (Dutta, [0047]) for teaching "a time of display

for the HTML based response, as recited in claim 1. (Office Action, p. 9). Dutta further

describes that "the succession of captured screen images are stored in a list 351 in memory preferably at the client. (Dutta, [0045]). It should be noted that a time of capture of a screen shot is not the same as a time of display for the HTML based response. There is no indication that the time of screen shot capture occurs instantaneously with the time of display. Moreover, even assuming that Dutta teaches what is stated and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick and Chen with respect to these claims.

Therefore, the combination of Barrick, Chen, Dutta, and the process of repeating in a loop does not teach "the second HTML based request including the times of generation of the first HTML based request and the HTML based response, the arrival times of the first HTML based request and the HTML based response, the departure times of the first HTML based request and the HTML based response, the time of display for the first HTML based request, and the time of display for the HTML based response in one or more hidden data fields associated with the second HTML based request," as recited in claim 1.

Moreover, Barrick, Chen, Dutta, and the process of repeating in a loop also does not teach "storing" in the manner recited in claim 1. Although the relay server of Barrick transfers the timing information sent by the browser, there is no mention of storing in a database within a request-response cycle corresponding to the second HTML based request, as is claimed by Applicants. In Barrick, the browser sends the HTTP GET request and the browser agent records the start time of the request. The browser waits until the web server provides a response web page before calculating the download time interval as experienced by the user at the browser. It is not until the entire request and response cycle is completed that the browser performs a reporting procedure by sending the download time interval information to the relay server. Once the time information is received, the relay server may then transfer the timing information to the database server. Since the timing information is measured by the browser, the browser cannot send the timing information to the relay server before the request-response cycle is completed by the web server returning the requested web page. Therefore, the relay server cannot transfer the timing information to the database until after the request-response cycle is

completed. As such, Barrick cannot render obvious Applicants' claim 1 and dependent claims 4-5.

Chen does not make up for these deficiencies in Barrick with respect to claim 1. Chen teaches the monitoring and reporting of delays experienced by a packet of information at each intermediate node of a network (Chen, col. 4, lines 26-33). Even assuming that Chen teaches what is stated and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick with respect to these claims.

Moreover, Dutta does not make up for these deficiencies in Barrick and Chen with respect to claim 1. Dutta teaches, "the browser maintains a list of all of the screen images that have been captured within a configurable duration of time, and the time that the screen image was captured." (Dutta, [0047]). Even assuming that Dutta teaches what is stated and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick and Chen with respect to these claims.

Independent claim 13 also recites limitations that are not taught or suggested by Barrick, Chen, and Dutta for reasons including those discussed above, such that claims 1 and 13 and dependent claims 2, 4-6 and 16-19 cannot be rendered obvious by Barrick, Chen, and Dutta, either alone or in any combination.

35 U.S.C. §103 Rejection, Barrick , Chen, Dutta, and in further view of Fish

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrick in view of Chen and further in view of Dutta and further in view of Fish et al. (U.S. Publication No. 2004/0111394) (hereinafter "Fish"). Claim 2 depends from independent claim 1, which is not rendered obvious by Barrick, Chen, and Dutta as discussed above.

Fish does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. Fish teaches the use of hidden fields in an HTML document for storing debug information (Fish, [0009 - 0010]), and is cited as teaching the displaying of these hidden data fields to a user (Office Action 11/27/2006, p. 11). Even assuming that Fish teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. As such, Fish cannot

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render obvious Applicants' claims 1 or 2, either alone, or in any combination with Barrick, Chen, and Dutta.

35 U.S.C. §103 Rejection, Barrick, Chen, Dutta, and in further view of Packman

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrick in view of Chen and further in view of Dutta and further in view of Packman et al. (U.S. Publication No. 2003/0225877) (hereinafter "Packman"). Claim 4 depends from independent claim 1, which is not rendered obvious by Barrick, Chen, and Dutta as discussed above.

Packman does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. Packman is cited as teaching the one or more servers including at least one application server and a database server. (Office Action 11/27/2006, p. 12). Even assuming that Packman teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. As such, Packman cannot render obvious Applicants' claims 1 or 4, either alone or in any combination with Barrick, Chen, and Dutta.

35 U.S.C. §103 Rejection, Barrick, Chen, and in further view of Engel

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrick in view of Chen and further in view of Engel (U.S. Publication No. 2004/0246996) (hereinafter "Engel"). Claim 6 depends from independent claim 1, which is not rendered obvious by Barrick and Chen as discussed above.

Engel does not make up for the deficiencies in Barrick and Chen with respect to these claims. Engel is cited as teaching the synchronizing of servers. (Office Action 11/27/2006, p. 13). Even assuming that Engel teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick and Chen with respect to these claims. As such, Engel cannot render obvious Applicants' claims 1 or 6, either alone, or in any combination with Barrick and Chen.

35 U.S.C. §103 Rejection, Barrick, Chen, and in further view of Blythe

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrick in view of Chen and further in view of Blythe et al. (U.S. Publication No. 2004/0139433) (hereinafter "Blythe"). Claim 19 depends from independent claim 13, which is not rendered obvious by Barrick and Chen as discussed above.

Blythe does not make up for the deficiencies in Barrick and Chen with respect to these claims. Blythe is cited as teaching the use of application servers in a distributed environment. (Office Action 11/27/2006, p. 14). Even assuming that Blythe teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick and Chen with respect to these claims. As such, Blythe cannot render obvious Applicants' claims 13 or 19, either alone, or in any combination with Barrick and Chen.

35 U.S.C. §103 Rejection, Barrick, Chen, Dutta, and in further view of Struble

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrick in view of Chen and further in view of Dutta and further in view of Struble (U.S. Publication No. 2003/0004796) (hereinafter " Struble "). Claims 16 and 17 depend from independent claim 13, which is not rendered obvious by Barrick, Chen, and Dutta as discussed above.

Struble does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. Struble is cited as teaching an internal clock to keep local time. (Office Action 11/27/2006, p. 13). Even assuming that Struble teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in Barrick, Chen, and Dutta with respect to these claims. As such, Struble cannot render obvious Applicants' claims 13, 16 or 17, either alone, or in any combination with Barrick, Chen, and Dutta.

Applicants therefore respectfully request that the rejections with respect to pending claims 1-6, 13-14, and 16-19 be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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